



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

January 30, 2023

**By ECF**

Hon. Lorna G. Schofield  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: United States v. Murray, 22 Cr. 076 (LGS)**

Dear Judge Schofield:

The Government writes to request the time between today, January 30, 2023, and February 21, 2023, the date to which the Court recently adjourned the next conference in this matter (ECF No. 33), be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), so that the defendant can review discovery and adequately prepare for trial, so that the parties can engage in pretrial disposition discussions, and so that the Court may continue to consider the defendant's pretrial motions for discovery and to compel a bill of particulars (ECF Nos. 26, 29, 31). The Government respectfully submits that the proposed exclusion would be in the interest of justice.

The Government makes this ends-of-justice request for an exclusion of time out of an abundance of caution, understanding that time is independently being excluded under the Speedy Trial Act insofar as the Court considers the defendant's pretrial motions not yet to be under advisement, but that time will resume running 30 days after the Court takes those motions under advisement or convenes a hearing. *See* 18 U.S.C. §§ 3161(h)(1)(D), (H).

Defense counsel opposes the Government's request on the basis that defense counsel believes that time under the Speedy Trial Act is already excluded, because the pending motions before the Court have not yet been resolved.

Whereas under 18 U.S.C. § 3161(h)(1)(D), "[a]ny period of delay resulting from other proceedings concerning the defendant, including but not limited to delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion" is excluded in computing the time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence.

Accordingly, this application is DENIED as moot. The Clerk of the Court is directed to terminate the letter motion at docket number 34.

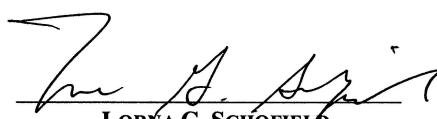
Dated: January 31, 2023  
New York, New York

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: /s/ Daniel H. Wolf / Thomas S. Burnett  
Assistant United States Attorneys  
(212) 637-2337 / 1064

cc: Defense counsel (by ECF)

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE